

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARNOLD AGUIRRE,
Plaintiff,

No. C 09-651 MHP (pr)

ORDER OF DISMISSAL

v.

DR. J. ADAMO; et al.,
Defendants.

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This action is dismissed because it was opened in error. After this action and Case No. C 09-763 MHP were filed, plaintiff sent the court a letter explaining that two identical complaints were mailed to the court by mistake. Apparently he mailed one copy to the court and the second one was mailed from outside the prison by the person sending the filing fee. The filing fee was applied in the second action, i.e., Case No. C 09-763 MHP, and plaintiff therefore requested that the action without the filing fee, i.e., Case No. C 09-651 MHP, be dismissed. The request is granted. This action is dismissed. No filing fee is owed for this action as it was opened in error.

IT IS SO ORDERED.

Dated: September 28, 2009



Marilyn Hall Patel
United States District Judge